

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:11cv296-MOC-DSC**

<b>CELESTE PARKER,</b>	)	
	)	
	)	
<b>Plaintiff,</b>	)	
<b>Vs.</b>	)	<b>ORDER ADOPTING</b>
	)	<b>RECOMMENDATION</b>
<b>GB TOOLS &amp; SUPPLIES, LLC,</b>	)	<b>OF MAGISTRATE JUDGE</b>
	)	
	)	
<b>Defendant.</b>	)	
_____	)	

**THIS MATTER** is before the court on review of a Memorandum and Recommendation by the Honorable David S. Cayer, United States Magistrate Judge, recommending that the court deny defendant’s motion for judgment on the pleadings without prejudice to defendant to renew its motion at the conclusion of discovery [docket #10]. Although plaintiff objects to three specific findings in the Memorandum and Recommendation, plaintiff specifically states that she does not object to the magistrate judge’s recommendation that defendant’s motion for judgment on the pleadings be denied.

**FINDINGS AND CONCLUSIONS**

**I. Applicable Standard**

The Federal Magistrate Act provides that “a district court shall make a *de novo*

determination of those portions of the report or specific proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1); *Camby v. Davis*, 718 F.2d 198, 200 (4<sup>th</sup> Cir. 1983). However, “when objections to strictly legal issues are raised and no factual issues are challenged, *de novo* review of the record may be dispensed with.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4<sup>th</sup> Cir. 1982). Similarly, *de novo* review is not required by the statute “when a party makes general or conclusory objections that do not direct the court to a specific error in the magistrate judge’s proposed findings and recommendations.” *Id.* Moreover, the statute does not on its face require any review at all of issues that are not the subject of an objection. *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *Camby*, 718 F.2d at 200. Nonetheless, a district judge is responsible for the final determination and outcome of the case.

## **II. Discussion**

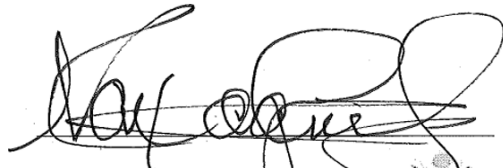
After a careful review of the magistrate judge’s recommendation on the motion to dismiss, I find that the magistrate judge correctly determined that denial of the motion for judgment on the pleadings was appropriate. Thus, the court will adopt the M&R of the magistrate judge as its own.

### **ORDER**

**IT IS, THEREFORE, ORDERED** that the Memorandum and

Recommendation (#10) is **ADOPTED** in its entirety.

Signed: August 30, 2011



Max O. Cogburn Jr.  
United States District Judge